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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,673	02/21/2002	Toshiaki Miida	05905.0158	4804
7590	02/07/2006		EXAMINER	
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315				COBURN, CORBETT B
		ART UNIT		PAPER NUMBER
		3714		
DATE MAILED: 02/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/078,673	MIIDA ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 November 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-41 is/are pending in the application.  
4a) Of the above claim(s) 1-22 and 30-41 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 23-29 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Claim Interpretation*

1. Since there has been some confusion about the claims, Examiner thinks it best to clarify how the claims are being interpreted. As best understood, the claims are describing Applicant's Fig 6. The first display body is the character (204). The second display body is the gauge depicted inside the character (224, 204A, 204B).

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 28 is directed to a computer program *per se*. Computer programs are not, in and of themselves, patentable.

### *Claim Objections*

4. Claim 27 is in improper dependent form. It must be rewritten as an independent claim.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 23 & 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Okano et al. (US Patent Number 5,649,861).

**Claims 23 & 27-29:** Okano teaches an image processing device that places display bodies within a virtual three-space and creates a picture of the bodies viewed from a virtual viewpoint with image processing means. (See Fig 1 for the physical components.) There is a display body setting means for setting a plurality of display bodies (24, 25) within the three-space. There is a body disposal means for overlappingly disposing with the first display body (24) a second display body (25). There is a display body image setting means for setting an image of the first display body such that the second display body becomes visible. (In Fig 7B, both display bodies are visible.) There is a display body movement mode reflection means for making the movement modes of the first display body reflect the movement of the second (i.e., the two images stay overlapped).

**Claims 25 & 26:** The display body movement mode reflection means must include a display body movement detection means (which in turn must include a display body movement direction detection means) for the detection of the movement of the display bodies (and the direction of movement) and a movement adjustment means for creating a movement matching the detected movement (in the proper direction and orientation) in order to keep the two display body images overlapped.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okano et al as applied to claim 23 in view of Declaration of Kathleen Mosser.

**Claim 24:** Okano teaches the invention substantially as claimed, but does not teach that the first body is transparent. It is well known to have transparent bodies (i.e., ghosts and invisible characters) in video games. Ultima Online is one example of a game with such characters. (See Declaration of Kathleen Mosser.) Ultima Online was published in 1997. These characters have the same input requirements as the opaque characters. Okano teaches that displaying an opaque second body on the character body allows the player to pay attention concurrently to the character and the controller display region, thus allowing them to enjoy the game while confirming input states of the operational signals. (Col 9, 33-47) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Okano in view of Ultima online (as described in Kathleen Mosser's Declaration) to display an opaque second body overlapped on a transparent first body in order to allow the player to pay attention concurrently to ghost or invisible characters and the controller display region, thus allowing them to enjoy the game while confirming input states of the operational signals.

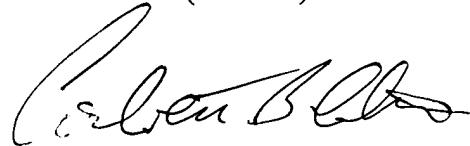
#### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Origin's Official Guide to Ultima Online title page shows that the game was published at least in 1997.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Corbett B. Coburn  
Examiner  
Art Unit 3714